

REPORT

Of the Committee on Naval Affairs, to which was recommitted the bill for the relief of Sarah Perry, mother of the late Oliver H. Perry.

FEBRUARY 23, 1824.

Read: Ordered that it lie upon the table.

The Committee on Naval Affairs, to whom was recommitted a bill, entitled "A bill for the relief of Sarah Perry, mother of the late Oliver H. Perry,

RESPECTFULLY REPORT:

Though this bill was recommitted without any definite instructions, yet, from the objections which were made to its original character, and the efforts to change it, by making the relief of Mrs. Perry a charge upon the Navy Pension Fund, the committee are led to consider the nature and expediency of the change proposed.

However strong may be the disposition of the committee to afford to the mother of the illustrious Perry the same tokens of regard which have been accorded to his widow and children, it is incumbent on them to abstain from any encroachment upon the fund in question, provided it shall appear, that the faith of the Government is pledged to protect this fund, as a consecrated deposit for the support and encouragement of another and different class of persons.

By the act of the 23d of April, 1800, Sec. 5, it is provided, that the proceeds of all prizes taken by the public armed ships of the United States, when of inferior force, shall be adjudged, one half to the captors, and the other half to the United States. By the 8th Sec. of the same act it is provided, that all officers, seamen, and marines, disabled in service, shall receive a pension during life, or the continuance of disability; and by the next Section it is enacted, that all moneys which may accrue to the United States from prizes "shall be, and remain forever," a fund for the payment of pensions to those officers, seamen, and marines, who may be entitled to receive the same; and if the fund should be insufficient, the public faith is pledged to supply the deficiency; and should there be a *surplus*, it shall be applied to making further provision for the beforementioned persons, and "for such as may merit, by their bravery and long and faithful services, the gratitude of their country."

Early in the late war with Great Britain, and before the Navy Pension Fund had in any considerable degree accumulated under these provisions of law, an act was passed extending its benefits to the widows and orphan children of such officers, seamen, and marines, as might fall in battle or die of wounds, limiting their pensions to the term of five years. The wisdom and policy of this extension are very manifest; and it was no violation of the Sections of the act before recited, as far as it applied to any *future* or prospective acquisitions from prizes. The present fund has arisen from captures made almost exclusively *since* the extension, and it remains pledged to the purposes of the original law, with no other addition.

Should justice, or policy, require that any other relatives of seamen be relieved at the public expense, the committee are of opinion that the public faith does not permit it to be done from the acquisitions of the present fund; but, they have no doubt of the right of Congress to provide by law that the proceeds of prizes, which may be *hereafter* captured, may be applied to new objects of public bounty. But, while so many officers, seamen, and marines remain, who may require relief, or who may be entitled, by "their bravery and faithful services," to the benefits of the fund, and who, if it were exhausted, might seek in vain a fulfilment of their country's pledge, it is deemed no less unjust than impolitic to assail this sacred deposit—the fruit of valor and of victory—the balm of honourable wounds, and the consolation of bereaved widowhood and helpless infancy.

The committee are of opinion, that the bill ought to pass in its original form; and they have, accordingly, restored the enacting clause, and report it to the House with no other amendment or variation.